



September 23, 2011

Mr. Michael Stephen Levinson
8601 Dr. Martin Luther King Jr. Street, N ,Apt. #9
St. Petersburg, FL 33702

Dear Mr. Levinson:

This is in response to your letter requesting equal opportunities to appear on this station in response to the PBS NewsHour coverage that we broadcast of President Obama's September 8th address to Congress. We hereby reject your request. Among the reasons is that the coverage and accompanying analysis were broadcast as part of a bona fide news program and constituted on-the-spot coverage of a bona fide news event, so that the broadcast falls within the exemptions to the equal opportunity rule.

Sincerely,

Peter A. Frid
President and CEO

H: Levinson Reply 9-23-11.docx



**Request for Access by Michael S. Levinson presidential Candidate under
§ 315 (a) 47 U.S.C.**

Peter A. Frid , President and CEO
New Hampshire Public Television
268 Mast Road
Durham, NH 03824-4602

I, Michael Stephen Levinson am a declared candidate for president of United States. I have a political campaign committee, Levinson for President, Federal Election Commission ID C00350231 Republican; and a personal FEC ID P00002568 Independent. My campaign for president web site is at the following Internet address:

<http://michaelslevinson.com>

By virtue of this certified letter to you, I request access of your television station, network, or cable network, under 47 U.S.C. § 315(a) of our telecommunication law, to deliver an "equal opportunity" speech in response to President Barack Obama's speech which the president delivered, via his "use" of live television to a pre-arranged joint session of Congress, beginning at 7:00 PM EST Thursday, September 8, 2011, lasting 45 minutes.

To the best of my information and belief, your network and / or station aired the speech live. Obama's speech was not a "news event," thus, exempt from equal opportunities requests by other candidates for the office of president of United States. Were Obama's jobs proposal speech an actual news event, instead of a crass monopolization of all the broadcast networks, setting the stage for his reelection campaign, his speech would have been followed with analysis by all of the broadcaster news divisions, their analysis likely lasting as long as the president's speech.

But ABC, for one, cut immediately back to its pre-scheduled programming for that time slot: Jeopardy. I understand other TV broadcasters, excluding PBS did, as well, immediately returning to their pre-scheduled programming. A genuine news event might have been followed by robust newscast discussion and commentary by all broadcast networks, as the networks have an obligation to the public interest.

CBS News issued a press release, which was characterized as "breaking news," by TheFutonCritic.com:

[via press release from CBS]

CBS NEWS WILL BROADCAST PRESIDENT BARACK OBAMA'S
ADDRESS TO CONGRESS LIVE ON THURSDAY, SEPT. 8 AT 7:00 PM, ET,
ON THE CBS TELEVISION NETWORK

CBS News will broadcast President Barack Obama's address to Congress live on Thursday, Sept. 8 at 7:00 PM, ET, following the CBS EVENING NEWS WITH SCOTT PELLEY (6:30 PM, ET).

CBS Evening News Anchor and Managing Editor Scott Pelley will anchor the special report from Washington, D.C. Chief Washington correspondent Bob Schieffer will join Pelley, with Chief White House correspondent Norah O'Donnell reporting from the White House and Congressional correspondent Nancy Cordes reporting from Capitol Hill.

The CBS press release, that CBS would cover Obama's speech was news, but Obama's actual speech was a nonexempt "use," of the broadcaster's licensed airwaves, which is why CBS issued their press release as CBS was **not obligated** to cover Obama's speech or allow the president to "use" their air time under 315 (a).

The New York Times Pulitzer Prize winning columnist Maureen Dowd wrote of Obama's proposed speech in her September 3, 2011 column:

"Republicans who are worried about being political props **[for Obama's speech]** have a point. The president is using the power of the incumbency and a sacred occasion for a political speech.

While a "political speech" can certainly qualify as a news event, this was a carefully staged pre-planned monopolization of the airwaves by the president on behalf of the presidents coming reelection campaign, as noted by Republican Senate leader, Mitch McConnell, who stated on the Senate floor, Tuesday, September 13, 2011:

"Last week, President Obama came up to Capitol Hill to unveil a stimulus bill he's calling a jobs plan; and yesterday, the White House explained how they'd like to pay for it.

"The first thing to say about this plan is that it's now obvious why the President left out the specifics last week. Not only does it reveal the political nature of this bill, it also reinforces the growing perception that this administration isn't all that interested in economic policies that will actually work.

"But none of this is really news. Over the past few days, press reports have made it perfectly clear that this legislation is more of a reelection plan than a jobs plan. It's an open secret which Democrats all over Washington have been acknowledging to reporters since the moment the President unveiled it.

As Senator McConnell stated about the speech, "None of this is really news." Obama's "speech," a monopolizing "use" of the airwaves was not a spontaneous event, thus exempt; as when the president travels to a school or union hall to state his case on an issue, though to a controlled crowd, the news coverage is exempt.

In that case, broadcasters are not compelled to be there, though what the president says is considered "news," qualified for §315(a) exemption, so the broadcasters on behalf of public interest air a 30 -60 second chunk, as it is their First Amendment right to decide how much of the president's exempt news event is actually newsworthy.

The people, who own the airwaves have a right to be informed. § 312(a)(7) and § 315(a) protect that right.

The New York Times columnist Maureen Dowd continues:

Obama is still suffering from the Speech Illusion, the idea that he can come down from the mountain, read from a Teleprompter, cast a magic spell with his words and climb back up the mountain, while we scurry around and do what he proclaimed.

The days of spinning illusions in a Greek temple in a football stadium are done.
The One is dancing on the edge of one term.

The White House team is flailing — reacting, regrouping, retrenching. It's repugnant.

The president's people, the "White House," **requested the coverage**, as M. Dowd states in her column, that based on her own reportorial research:

"After pushing and shoving and caving to get on TV, the president's advisers immediately began warning that the long-yearned-for jobs speech wasn't going to be that awe-inspiring.

"The issue isn't the size or the newness of the ideas," one said. "It's less the substance than how he says it, whether he seizes the moment."

Dowd's quote is a quoted description of a pre-planned pre-scripted "use" of broadcast television by the incumbent president. Obama's style of delivery is his White House advisor / handler's issue, not the substance of what Obama proposes we should do as a nation, to extricate ourselves from recessionary economic mire.

The "exempt" news is the contents, not the delivery. M. Dowd concludes:

"The arc of justice is stuck at the top of a mountain. Maybe Obama was not even the person he was waiting for."

In Maureen Dowd's Sunday, September 11, column, after the president's staged, pre-arranged "use" of the broadcast media, she wrote:

Acting less like the bane of Obama's existence, John Boehner encouraged Republicans to attend the speech and offered no formal response.

Apparently the networks invited the Republican Speaker of the House to deliver a response, or to appoint a member of his party to deliver a "response" to president

Obama's speech, as under §315(a) the "use" of the airwaves by a candidate for federal election opens the door for a response, though the person delivering the §315(a) response is, under the law, supposed to be bona fide, that is to say, an actual genuine candidate for the same office.

On my own information and belief, I am the only candidate for president, registered republican in the state of Florida, who for the general election, intends to run as an independent, who has tendered a request for equal opportunity under 47 U. S. C. § 315 (a). My access request is your only request for access.

September 7, 2011 eight republican candidates mounted the stage at Ronald Reagan Library in California and held a debate sponsored by Politico, The Reagan Library, and NBC News. Not one of these republican candidates has applied for an equal opportunity under §315, to respond to president Obama's proposals.

Senator McConnell, on the Senate floor, September 13, 2011 went on to say,;

"They've said that despite the President's calls to pass this bill immediately, the real plan is to let it hang out there for a while so Democrats can use it as an issue on the campaign trail. What's more, the President knew as well as I did when he unveiled this plan that Democrats in the Senate had already scheduled a full slate of legislative business for the next few weeks. So unless the White House wants to admit that it has no regard for its own party's legislative business in Congress, the President's call for immediate action was clearly little more than a rhetorical flourish.

His "rhetorical flourish" was a "use" of the broadcast media, to further his campaign. You networks had every right to air Obama's political charade, your price, my § 315(a) right.

"But the specifics we got yesterday only reinforce the impression that this was largely a political exercise. For one, they undermine the President's claim that it's a bipartisan proposal — because much of what he's proposing has already been rejected on a bipartisan basis. The half-trillion

dollar tax hike the White House proposed yesterday will not only face a tough road in Congress among Republicans, but from Democrats too.

"The central tax hike included in this bill, capping deductions for individuals and small businesses, was already dismissed by a filibuster-proof, Democrat-controlled Senate in 2009. Another idea floated by the White House yesterday, a tax on investment income, has been vehemently opposed by the Number Three Democrat in the Senate, among others. And a proposal to raise taxes on the oil and gas industry was rejected as the job-destroying tax hike that it is by Democrats and Republicans just a few months ago. And for good reason, since the non-partisan Congressional Research Service tells us it wouldn't only raise gas prices, but would also move jobs overseas.

"So claiming this bill is bipartisan may sound good if you're out there on the campaign trail. But surely the President could come up with some proposals that both sides hadn't rejected already.

Senator McConnell's characterization of President Obama's pre-planned pre-scripted speech as "little more than a rhetorical flourish" is accurate. The speech was not exempt.

Were the Federal Communications Commission, upon complaint, to proclaim the president's droll September 8, 2011 speech charade an exempt news event, then the First Amendment rights of all the 300 million American people would be resolutely demolished – stuffed in a box car, forever Auschwitz bound – the people's rights, exclusively in the hands and total control of those whose broadcast licenses, freely given licenses that incidentally generate billions of dollars, require only a reasonable, hardly burdensome adherence to public interest. Our well settled access laws, §§ 312(a) (7) and 315 (a) are on behalf of public interest, the public's First Amendment right to be informed.

To open your broadcast doors to political speech, upon request, from those who seek to lead the nation is an obligation, a requirement to maintain your license. There are plenty of advertisers more than willing to sponsor unmitigated political speeches, especially an

unscripted live speech by an independent candidate.

The highest and most protected form of speech in America is political speech. To protect our First Amendment Right, this distinguishing essence of our freedom, many just patriotic Americans have given of their limbs and lives in foreign lands.

Section 315(a), which originated in Section 18 of 1927 Radio Act, states: "If any licensee shall permit any person who is a legally qualified candidate for any public office to use a broadcasting station, he shall afford equal opportunities to all other such candidates for that office in the use of such broadcasting station."

The purpose of this well settled law is to insure more voices would be heard.

I hold that all of the broadcast networks and stations in receipt of this bona fide access request are entitled to an advance appreciation of what I plan on stating during my exempt news making political speech.

While the law protects my right to speak uncensored, without interruption, you, the broadcasters, are entitled to know I do not intend on dancing a jig or reciting verses from Chaucer. My presentation, herein, is to enable you to reach a good faith judgment and schedule my address which will be huge news and guarantee in advance a giant audience. More than likely all the American people will tune in, so the ad time you sell, or ads you play promoting your own programs, or non-commercial status, before your commentators delineate my unscripted remarks shall net your entities plenty money!

The President's "American Jobs Act," which Obama presented to both Houses of Congress in his speech carries a price tag of 447 Billion dollars. My jobs plan, first presented on New Hampshire Public Television, during a half hour live political speech in 1988, requires presidential leadership to make it happen – but not a penny of income tax or any other government dollars to instigate 3 million decent long term genuine jobs.

My idea /plan was also noted in **Time Magazine**, on page 18, December 23, 1995, in an article about unknown candidates for president entitled, "Look Ma, I'm Running,": "There is also the poet from Buffalo, N.Y., Michael Levinson who proposes a jobs program to

build ten thousand clipper ships.”

My intent is to inspire shipyards wherever there is water and people need work – up and down the Great Lakes, the Mississippi River, The East Coast, Gulf Coast and West Coasts. The shipyards will be tied to local community colleges and universities, as will the ships, for students will crew the ships, pay half tuition, plus room and board, and see the world while getting their education. Harvard, for example could easily have a fleet of forty ships, freeing up 1600 seats on land.

Not-for-profit educational corporations, managed for course credit at the schools will book the clipper's cargoes from port to port.

The sails will be solar voltaic to generate electricity for the ship, and to power the screws when the wind is down or the clippers are approaching harbor. Manufacturing solar voltaic sails will create a new industry, also creating jobs. Every company manufacturing goods associated with outfitting a ship will be hiring more workers.

The clippers, like the ancient Chinese junks will have rotational masts to catch every gust, with less tacking in the wind and a straighter path to their destination. The sails will be furled with electric winches, so the crew will be mostly engaged in their undergraduate education, yet obligated to stand look out, learn on the job how to steer their clippers, share galley duties, and also emergency baton down work when an ocean storm is brewing.

Because the crew will pay to be aboard, with or without a cargo, the clipper ships will make money, and carrying cargoes will more than pay for their construction. For all the investors, clipper ship building and sailing will be a very profitable deal! We can say to any nation, we will gladly purchase all your goods - all you have for export sale, but the goods must come to America on our ships!

We can say to every company that shuttered its American factories, the products you are manufacturing elsewhere must be imported via our ships! Apple Computer has 78 Billion cash dollars. Putting that money to use building ships to carry its products around the world qualifies for tax abatement – a great incentive to put that money, sitting in

taxable stocks, to work making jobs, besides making money.

Investment dollars to build the ships will also come from University Endowments.

The Clipper ships building program will generate at least 3 million jobs, creating whole new industries and show a profit beyond paying for itself as the ship building money will accrue from the private sector, not our federal government.

Having a couple thousands of clippers in the Pacific Ocean at any given time is also a much better justification for our military presence in that part of the world than our Pacific sea power on behalf of the South Koreans, Japanese and Taiwanese.

Finally, today, the greatest numbers of unemployed people in USA today are carpenters, the very people who don't need any training to meet my clipper ship building challenge. Furthermore, there is a national security issue:

Cargo, instead of being loaded into steel containers, in which contraband or weapons can be hidden, will be scanned as the cargo is loaded into the clipper ship holds. State of art scanning equipment for this is available from Livermore Labs and our ship crews, American students, will be duty bound to scan every package, so nothing comes into USA via import that does not belong here.

There is one other consideration. In the Pacific Ocean there is a swath of sea top the size of Texas, today a garbage dump completely covered with floating plastic trash, dangerous and unsafe for fish, seafowl and all the mammals of the sea.

This sea top ocean trash the size of Texas must be cleaned up, and the only ships capable to stay there, lower boats and rake the sea top clean are my proposed clippers. Every country that flags ships is guilty of allowing the crews to throw all their trash overboard. Every nation with merchant ships will contribute to cleaning this dangerous swath of sea top.

I am confident I can condense this giant ship building program into 15 of the entitled minimal 45 minutes I am requesting under §315(a), which allows you 15 minutes to offer

commentary for your viewing audience, before returning to pre-scheduled programs.

My next jobs program, creating at least an additional two million jobs, is to turn every house in America into an energy incubator. Every state has laws, that any dwelling that produces more energy than it uses can sell the energy back to the utility and the electric meters will run in reverse. But the utilities have promoted regulations prohibiting wind turbines being attached to dwellings within city limits, and the permits required for solar paneling on roofs, etc., adds thousands of dollars to the cost of these clearly energy-conserving measures.

My program calls for Executive Orders, to eliminate the unnecessary regulations that inhibit this construction work. Every house in every state where sunshine is plentiful should have solar panels to generate electricity, solar panels for hot water, and residential wind turbines to generate electricity and store the electricity in batteries, so the house incubates energy while the family is at work or school.

The loan money for this home construction can be guaranteed by the utilities, and the loan payment based on the energy bill savings. This energy incubation pays for itself and increases the value of every retrofitted house.

Money & Power want to control electric power and generate profits selling power to residential users, but the most efficient electricity is that closest to where it is created – on the residential rooftop instead of coming over inefficient power grids.

Furthermore, states can say to companies considering to manufacture products in their respective states, because most of the residential dwellings in the state are energy incubators, they have abundant electric power and can offer electricity at super low cost to run the proposed factory.

With presidential leadership, and Executive Orders eliminating burdensome regulations that prohibit or inhibit these energy saving construction plans, every home construction company can get started tomorrow and they will all be hiring workers.

My proposal, a residential energy incubator job creation program can be explained in

condensed version, in 10 minutes of airtime. Then five minutes can be allotted to my explanation of why, for **national security reasons**, we must nationalize all of the oil wells in the Gulf of Mexico, as there is an oil seam in the Gulf leading to as much oil as in all of Saudi Arabia since the first well was drilled in Saudi Arabia 70 years ago.

That single Saudi gusher became a field of oil wells pumping millions of barrels a day, every day, for decades. The same billions of barrels will be true in the Gulf of Mexico.

As long as the Saudis nationalized their oil, so can we, and economically, to protect our dollar, we should. My plan: the proceeds will go to repairing the Gulf of Mexico ecology, then replacing all of the residential real estate taxes in all 50 states, then free education for citizens, especially medical school, as the rising cost of medical delivery is a supply demand issue – not enough Dr.'s.

That will leave 15 more minutes of speech. My health care program will cover every person living in USA, within six weeks, including all pre-existing condition patients and catastrophic cases, requiring for guaranteed, long-term success, a one-line change in our tax code. Perhaps I can condense this live saving med plan into three minutes.

My Mortgage Plan, like my Health Care plan is clearly on display, on my presidential campaign web site. This Mortgage Plan will qualify for a Nobel Prize for Economics as every country in Western Europe can adapt my idea and save their country's economy. With my Mortgage Plan in place, every foreclosure is stayed, every mortgage rewritten, and every bank's exposure protected.

Talking slowly I can condense this giant trillion-dollar idea into three minutes. My Credit Card reform will benefit every person who uses a credit, or debit card for transactions. I ought to be able to condense this innovative program into three minutes, too, though it is, like my other programs, giant and is worth more airtime.

That will leave only six minutes to display my Television Scripture, the 112 page hand lettered prophetic work of art I was inspired with, in 1969 to deliver for all man kind on world wide television, dusk until dawn, my breath the breadth of old blind Homer, my every given line a delicate sensible rhyme, rivaling Dante of Divine Comedic fame.

It is of prime importance I unequivocally explain to the viewers and listeners that my ultimate purpose in becoming president of United States is to lead the way, steering a course change in human history on good ship Mother Earth —that in enlisting good people, for example, Thomas I. Friedman, to be Secretary of State, I'll will set the stage for an all radio and TV channels world wide world peace show for all the worlds' peoples to participate in together all at once.. My concluding words to viewers and listeners will be as follows:

I have a date with the Universe. I cannot be late. Get behind my candidacy. I will become president and deliver the world to Peace. God bless you. God bless America.

I have left the date for my proposed speech open. Any evening in the last week of September, 2011 will be acceptable. The station where I deliver the speech is also open.

Michael S Levinson

Levinson for President

8601 Dr Martin Luther King Jr. St. N. Apt 9

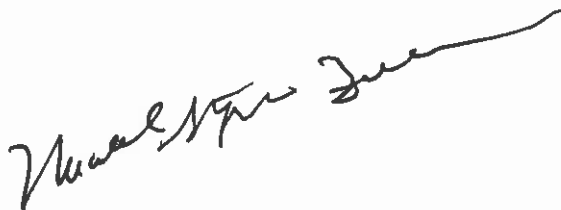
St. Petersburg, Florida 33702

727 – 466 - 8595

PS. On my campaign website, <http://michaelslevinson.com> find on the right side of the home page, at the bottom, three <http://youtube.com> files of my 1988 speech on New Hampshire Public Television.

I hereby set my hand to this access request, September 15, 2011, the final day of my 7 day window for equal opportunity request under our law.

Michael Stephen Levinson

A handwritten signature in black ink, appearing to read "Michael Stephen Levinson", written in a cursive style.

Addendum

To Peter Frid, President and CEO NHPTV. This is in response to your letter to me dated June 22, 2011.

You state, in the second and final sentence in the first paragraph, "Your request is denied because we are not subject to the reasonable access requirement."

I disagree. You most certainly are subject to the reasonable access requests of candidates for president of United States, and other federal offices. In your letter you cite part (a) of the Federal Communications Commission sponsored amendment, slipped into the *Miscellaneous Appropriations Act, 2001*, amending 47 U.S.C. § 312(a)(7), that on its face appears to demolish my First Amendment access right as candidate for president, besides the constitutional rights of all our candidates for all of our Federal elective offices to deliver their own televised broadcast speeches on the PBS network of non-commercial stations.

I hold the American electorate has a First Amendment right and paramount public interest in being an informed people, in a free, unencumbered marketplace of ideas. I believe the viewers of NHPTV would overwhelmingly agree with me that they the public, whose money built the PBS network, have rights.

According to the Supreme Court RED LION BROADCASTING CO. v. F.C.C. decision, reflecting US Constitution First Amendment Freedom of Speech, this Act of Congress you cite in your letter is forbidden. Justice WHITE plainly ruled in *Red Lion*, "That right may not constitutionally be abridged either by Congress or by the FCC."

Our Freedom of Speech, the First Amendment of our Bill of Rights, as applied in telecommunications law, is the essence of our franchise, the rock of our foundation, the pride of our democratic republic. Justice BURGER, deciding CBS,

INC. v. F.C.C., (1981) appreciably cited the *Red Lion* decision I have mentioned above. Chief Justice Burger wrote: "[T]he court has made clear that:

It is the right of the viewers and listeners, not the right of the broadcasters which is paramount It is the purpose of the First Amendment to preserve an uninhibited marketplace of ideas in which truth will ultimately prevail, rather than to countenance monopolization of that market . . . It is the right of the public to receive suitable access to social, political, esthetic, moral, and other ideas and experience which is crucial here. **[That right may not constitutionally be abridged either by Congress or by the FCC.]**"

You neglected to quote part (b), from the Miscellaneous Appropriations Act in your response letter, which is as follows:

(b) The Federal Communications Commission shall take no action against any non-commercial educational broadcast station which declines to carry a political advertisement.

Section (b) of this amendment dissolves a "legally qualified" federal candidate's right to redress of their grievance, via administrative remedy, upon a PBS station's denial of a candidate's broadcast access to deliver a speech on behalf of their candidacy.

This abrogation trashes my First Amendment right, and the right of all federal candidates to initiate an administrative petition for redress of their grievance.

The only avenue for expeditious remedy, available to viewers and listeners, to the people, regardless of my own, broadcaster-stifled candidacy for United States presidency, is in Federal Court.

In other words, what they dissolved was their jurisdiction over the access statute. All the Commission, and or Congress did was dissolve their jurisdiction over this well settled First Amendment guarantee. Neither body has the power to dissolve

my and the people's, the viewers and listeners First Amendment right – mine to deliver a speech via broadcast media, the peoples, to assemble and participate.

Finally, at the following Internet address, find the schedule of televised debates of candidates for president: <http://www.2012presidentialelectionnews.com>

You will find;

January 12th, 2012 Air time TBD on PBS

Location: Iowa Public Television in Johnston, IA

Sponsor: Des Moines Register and Iowa Public Television

Participants: TBD.

In light of the above, the case can be made that your response to my reasonable request for access is a showing of NHPTV discrimination against my First Amendment right to deliver a broadcast speech as a candidate for president to the people of New Hampshire, on NHPTV channels.

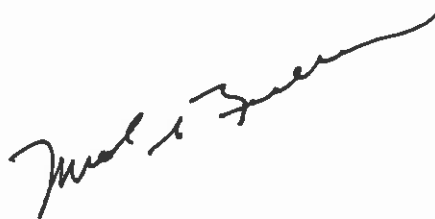
Please get back to me when we are scheduling the speech, which should be scheduled for the first week in October, but not on an NFL Football night. I am also available to have a telephone conversation and you may call at any time.

In the event you choose to deny my constitutional right to deliver a live broadcast speech I will seek immediate redress in federal court.

Michael S Levinson

Cell 727 – 466 – 8595

Land line 727 – 576 - 1813

A handwritten signature in black ink, appearing to read "Michael S. Levinson", written in a cursive style.